

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GROUPION, LLC.,

No. 11-0870 MEJ

Plaintiff,

ORDER RE: DISCOVERY DISPUTE

vs.

Re: Docket No. 187

GROUPON, INC., et al.,

Defendants.

Before the Court is the parties' Joint Letter Brief Regarding Deposition Discovery Dispute, filed August 23, 2012. Dkt. No. 187. The parties dispute whether Plaintiff Groupion, LLC's request to compel a second Federal Rule of Civil Procedure 30(b)(6) deposition is timed-barred by Civil Local Rule 37-3, whether the 30(b)(6) topics are properly limited to Defendant Groupon, Inc.'s counterclaims, and whether they are otherwise appropriate topics under Rule 30(b)(6). Because it finds Groupion's request untimely, the Court finds that it must be denied. Under Civil Local Rule 37-3, the deadline to file a motion to compel discovery is seven days after the discovery cut-off. Here, Groupion served its 30(b)(6) notice on April 12, 2012, with a deposition date of May 8. Fact discovery on Groupon's counterclaims closed on May 11, 2012. Despite this, Groupion waited three months to bring its request to the Court's attention. As Groupion has failed to establish good cause for this delay, the request is DENIED. *See Nuance Commc'ns, Inc. v. Abbey Software House*, 2012 WL 2838431, at *2 (N.D. Cal. July 10, 2012 (denying joint letter to compel under Civil Local Rule 37-3 as untimely)).

IT IS SO ORDERED.

Dated: August 27, 2012



MARIA-ELEN JAMES
United States Magistrate Judge